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12 *Attorneys for Defendants Renee Baker,  
13 James "Greg" Cox, William Moore,  
14 April Witter, and Nissel Young*

15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 LAUSTEVEION JOHNSON,  
18 Plaintiff,

19 Case No. 3:14-cv-00178-RCJ-VPC

20 v.  
21 N. YOUNG, et al.

22 **MOTION TO PRODUCE INMATE  
23 LAUSTEVEION JOHNSON FOR TRIAL**

24 Defendants.

25 Defendants, Renee Baker, James "Greg" Cox, William Moore, April Witter, and Nissel Young, by  
26 and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R.  
27 Johnson, Deputy Attorney General, hereby file this Motion to Produce Inmate Lausteveion Johnson for  
28 Trial. This motion is supported by the following memorandum of Points and Authorities and all papers  
and pleadings on file in this action.

29 **MEMORANDUM OF POINTS AND AUTHORITIES**

30 **I. INTRODUCTION**

31 The above-captioned case is scheduled for trial at the Bruce R. Thompson United States  
32 Courthouse in Reno, Nevada, to begin on October 24, 2016. Mr. Johnson is currently incarcerated at  
33 Southern Desert Correctional Center (SDCC) in the custody of the Nevada Department of Corrections  
34 (NDOC). The NDOC intends to temporarily transfer Plaintiff Lausteveion Johnson (#82138) (Mr.  
35 Johnson) to a correctional facility that is geographically closer to the courthouse for trial. The NDOC  
36 requires an order from this Court to make this transfer and produce Mr. Johnson for trial.

1 **II. ARGUMENT**

2 Inmate transportation is governed by the Nevada Revised Statutes and NDOC Administrative  
3 Regulations. *See* NRS 209.274 (“when an offender is required or requested to appear before a court in  
4 this state, the Department shall transport the offender to and from court on the day[s] scheduled for his  
5 or her appearance”).

6 In order for the NDOC’s transportation authority to be fully compliant with applicable law and  
7 regulations, Defendants respectfully request an Order from this Court directing the NDOC to:

- 8 1. Temporarily transfer Mr. Johnson to a northern correctional institution that is suitable for his  
9 custody level, has available housing units, and is geographically closer to Reno, Nevada than  
10 SDCC for the purpose of trial in the above-referenced case;
- 11 2. Produce Mr. Johnson at the Bruce R. Thompson United States Courthouse, 400 South  
12 Virginia Street, Reno, Nevada 89501 on the dates and times of trial in the above-referenced  
13 case; and
- 14 3. Make any other necessary arrangements to ensure that Mr. Johnson remains physically  
15 present at the Bruce R. Thompson United States Courthouse, 400 South Virginia Street,  
16 Reno, Nevada 89501 on the dates and times of trial in the above-referenced case.

17 Defendants have attached a proposed order to this motion as Exhibit A. The NDOC will ensure  
18 that Mr. Johnson is transferred in compliance with the Court’s Order. Defendants also request that Mr.  
19 Johnson be transferred with his legal property in order to ensure the speedy adjudication of his claims.

20 **III. CONCLUSION**

21 Defendants request the Court execute and issue the attached proposed Order, thereby securing  
22 Mr. Johnson’s physical presence at trial.

23 DATED this 22<sup>nd</sup> day of September, 2016.

24 ADAM PAUL LAXALT

25 Attorney General

26 By:



27 BENJAMIN R. JOHNSON

28 Deputy Attorney General

Bureau of Litigation

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 22<sup>nd</sup> day of September, 2016, I caused to be deposited for mailing, a true and correct copy of the foregoing, **MOTION TO PRODUCE INMATE LAUSTEVEION JOHNSON FOR TRIAL**, to the following:

LAUSTEVEION JOHNSON #82138  
SOUTHERN DESERT CORRECTIONAL CENTER  
P. O. BOX 208  
INDIAN SPRINGS, NV 89070

List of Hold  
An employee of the  
Office of the Attorney General

# EXHIBIT A

## PROPOSED ORDER TO PRODUCE INMATE FOR TRIAL

# EXHIBIT A

1 ADAM PAUL LAXALT  
2 Attorney General  
3 BENJAMIN R. JOHNSON  
4 Deputy Attorney General  
5 Nevada Bar No. 10632  
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15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 LAUSTEVEION JOHNSON,  
18 v.  
19 N. YOUNG, et al.  
20 Defendants.

21 Case No. 3:14-cv-00178-RPJ-VPC

22 **ORDER TO PRODUCE  
23 INMATE FOR TRIAL**

24 Before the Court is Defendants' Motion to Produce Inmate Lausteveion Johnson for Trial. The  
25 Court Ordered that the above-captioned case shall proceed to a jury trial at the Bruce R. Thompson  
26 Courthouse, 400 South Virginia Street, Reno, Nevada 89501, beginning on **December 12, 2016** (ECF No.  
27 96). The Motion to Produce Inmate Lausteveion Johnson for Trial is GRANTED. Accordingly,

28 IT IS ORDERED that the Nevada Department of Corrections shall temporarily transfer  
Lausteveion Johnson (#82138) to a northern correctional institution that is suitable for his custody level,  
has available housing units, and is geographically closer to Reno, Nevada than Southern Desert  
Correctional Center, Lausteveion Johnson's (#82138) current place of confinement, for the purpose of  
trial in the above-referenced case;

IT IS FURTHER ORDERED that the Nevada Department of Corrections will transfer  
Lausteveion Johnson's (#82138) with all of his legal property related to the above-referenced case;

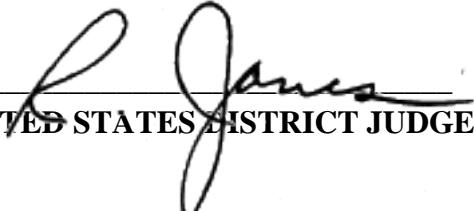
IT IS FURTHER ORDERED that the Nevada Department of Corrections shall produce  
Lausteveion Johnson's (#82138) at the Bruce R. Thompson Courthouse, 400 South Virginia Street,

1 Reno, Nevada 89501 from 8:30 a.m. until 5:00 p.m., or such other times ordered by the Court, for each  
2 day of trial until the trial is concluded; and

3 IT IS FURTHER ORDERED that the Nevada Department of Corrections make any other  
4 necessary arrangements to ensure that Lausteveion Johnson's (#82138) remains physically present at the  
5 Bruce R. Thompson Courthouse, 400 South Virginia Street, Reno, Nevada 89501 from 8:30 a.m. until  
6 5:00 p.m. or such other times ordered by the Court, for each day of trial until the trial is concluded.

7 IT IS SO ORDERED.

8 DATED: This 18<sup>th</sup> day of October, 2016.

  
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UNITED STATES DISTRICT JUDGE